

CHAPTER 4

PUPIL ATTENDANCE ACCOUNTING

Attendance Requirement

The parent, guardian, or legal or actual custodian of a child who is of compulsory attendance age shall cause the child to attend some public school, an accredited nonpublic school, or competent private instruction in accordance with the provisions of chapter 299A, during a school year, as defined under section 279.10. The board of directors of a public school district shall set the number of days of required attendance for the schools under its control. The board of directors of a public school district may, by resolution, require attendance for the entire time when the schools are in session in any school year and adopt a policy or rules relating to the reasons considered to be valid or acceptable excuses for absence from school (299.1).

Section 299.1 shall not apply to any child:

1. Who has completed the requirements for graduation in an accredited school or has obtained a high school equivalency diploma under chapter 259A.
2. Who is excused for sufficient reason by any court of record or judge.
3. While attending religious services or receiving religious instructions.
4. Who is attending a private college preparatory school accredited or probationally accredited under the provisions of subsection 256.11(13).
5. Who has been excused under section 299.22 [deaf and blind].
6. Who is exempted under section 299.24 [religious exemption] (299.2).

A child who has reached the age of six and is under sixteen years of age by September 15 is of compulsory attendance age. However, if a child enrolled in a school district or accredited nonpublic school reaches the age of sixteen on or after September 15, the child remains of compulsory age until the end of the regular school calendar (299.1A).

Under certain circumstances, religious groups may be exempted from compulsory education law and educational standards law (299.24).

The parent, guardian, or legal or actual custodian of a child who is of compulsory attendance age, who is physically or mentally unable to attend school, or whose presence in school would be injurious to the health of other pupils, shall furnish proofs by certificate under sections 256B.6 and 256B.7 as to the physical or mental condition of the child (299.5).

Attendance at the state-operated school [school for the deaf or Braille and sight saving school] may be excused when the superintendent of the state-operated school certifies that an interdisciplinary staffing team has determined, pursuant to the requirements of chapter 256B, that the child is efficiently taught for the scholastic year in an accredited nonpublic or other school devoted to the instruction, by a private tutor, in the public schools, or is shown to be physically or mentally unable to attend school under section 299.5 (299.22).

The board of directors of each public school district shall prescribe the minimum educational program and an attendance policy which shall require each child to attend school for at least 148 days, to be met by attendance for at least 37 days each school quarter, for the schools under their jurisdictions. The minimum educational program shall be the curriculum set forth in section 256.11, except as otherwise provided by law. The board of directors of a public school district shall not allow discrimination in any educational program on the basis of race, color, creed, sex, marital status or place of national origin. The board of directors of each public school district shall establish and maintain attendance centers based upon the needs of the school age pupils enrolled in the school district. Kindergarten programs shall and prekindergarten programs may be provided. In addition, the board of directors may include in the educational program of any school such additional courses, subjects, or activities which it deems fit the needs of the pupils (280.3).

The board of directors shall determine the number of schools to be taught, divide the corporation into such wards or other divisions for school purposes as may be proper, determine the particular school which each child shall attend, and designate the period each school shall be held beyond the time required by law (279.11).

A board does not have the authority to arbitrarily require pupils to attend school on Saturday instead of Monday (1910 Op. Att'y Gen. 105 (#9-11-23)).

Admission and Exclusion of Pupils

Persons between five and twenty-one years of age are of school age (282.1). The child shall be at least five and less than twenty-one years of age on September fifteenth of the current school year.

The board may exclude from school children under the age of six years when in its judgment such children are not sufficiently mature to be benefited by regular instruction, or any child who is found to be physically or mentally unable to attend school under section 299.5, or whose presence in school has been found to be injurious to the health of other pupils, or is efficiently taught for the scholastic year at a state institution. However, the board shall provide special education programs and services under chapters 256B, 257, and 273 for all children requiring special education (282.3(1)).

The conditions of admission to public school for work in the school year immediately preceding the first grade and in the first grade shall be as follows:

- A child under the age of six years on the fifteenth of September of the current school year shall not be admitted to a public school unless the board of directors of the school has adopted and put into effect courses of study for the school year immediately preceding the first grade, approved by the department of education and has employed a practitioner or practitioners for this work with standards of training approved by the board of educational examiners.
- No child shall be admitted to school work for the year immediately preceding the first grade unless the child is five years of age on or before the fifteenth of September of the current school year.
- No child shall be admitted to the first grade unless the child is six years of age on or before the fifteenth of September of the current school year; except that a child under six years of age who has been admitted to school work for the year immediately preceding the first grade under conditions approved by the department of education, or who as demonstrated the possession of sufficient ability to profit by first-grade work on the basis of tests or other means of evaluation recommended or approved by the department of education, may be admitted to first grade at any time before December 31.
- Nothing herein provided shall prohibit a school board from requiring the attainment of a greater age than the age requirements herein set forth (282.3).

The Board has no discretion to admit children to kindergarten unless the child has attained the age of five on or before September fifteenth of the particular school year (OAG #79-7-3).

Married persons of school age are entitled to attend school (OAG #26-10-6).

A kindergarten program complying with the educational program description in Iowa Administrative Code (IAC) subrule 281--12.5(2) shall be operated by a school district. A nonpublic school is not required to offer kindergarten in order to be accredited. The number of instructional days within the school calendar and the length of the school day for kindergarten shall be defined by the board (IAC 281--12.1(11)).

In *Dean v. Armstrong* the legality of closing school and designating children to a consolidated school district was upheld by the Supreme Court.

Definitions

Minimum School Calendar and Day of Instruction

Each board shall adopt a school calendar that identifies specific days for student instruction, staff development and in-service time, and time for parent-teacher conferences. The length of the school calendar does not dictate the length of contract or days of employment for instructional and noninstructional staff. The school calendar may be operated any time during the school year of July 1 to June 30 as defined by Iowa Code section 279.10. A minimum of 180 days of the school calendar, for school districts beginning no sooner than a day during the calendar week in which the first day of September falls, shall be used for student instruction. These 180 days shall meet the definitions of "day of school" in IAC subrule 281--12.1(8), "minimum school day" in IAC subrule 281--12.1(9), and "day of attendance" in IAC subrule 281--12.1(10). (Exception: A school or school district may, by board policy, excuse graduating seniors up to five days of instruction after district requirements for graduation have been met.) (279.10(1), IAC 281--12.1(7)).

Day of School

A day of school is a day during which the school or school district is in session and students are under the guidance and instruction of the instructional professional staff. School shall be considered in session during parent-teacher conferences as well as during activities such as field trips if pupils are engaged in school programs or activities under the guidance and direction of the instructional professional staff. All grade levels of the school or school district must

be operated and available for attendance by all students. An exception is if either the elementary or secondary grades are closed and provided that this time missed is made up at some other point during the school calendar so as to meet the minimum of 180 days of instruction for all grade levels 1 through 12. If a classroom or attendance center is closed for emergency health or safety reasons but the remainder of the school or school district is in operation, the day may be counted as a day of school (IAC 281--12.1(8)).

Minimum School Day

A school day shall consist of a minimum of 5 ½ hours of instructional time for all grades 1 through 12. The minimum hours shall be exclusive of the lunch period. Passing time between classes as well as time spent on parent-teacher conferences may be counted as a part of the 5 ½ requirement. The school or school district may record a day of school with less than the minimum instructional hours if emergency health or safety factors require the late arrival or early dismissal of students on a specific day; or if the total hours of instructional time for all grades 1 through 12 in any five consecutive school days equals a minimum of 27 ½ hours, even though any one day of school is less than the minimum instructional hours because of staff development provided for the instructional professional staff or because parent-teacher conferences have been scheduled beyond the regular school day. Furthermore if the total hours of instructional time for the first four consecutive days equal at least 27 ½ hours because parent-teacher conferences are held beyond the regular school day, a school or school district may record zero hours of instructional time on the fifth consecutive school day as a minimum school day (256.7(19), IAC 281--12.1(9)).

Day of Attendance

A day of attendance shall be a day during which students were present and under the guidance and instruction of the instructional professional staff. When staff development designated by the board occurs outside the time required for a "minimum school day," students shall be counted in attendance. Note exceptions in subrules 12.1(8) and 12.1(9) (IAC 281--12.1(10)).

As another exception to subrule 12.1(9) above and for calculation of average daily attendance and average daily membership for federal funding purposes [such as on the CAR], a pupil shall not be counted in attendance during school calendar days designated by the board for staff development or for parent-teacher conferences unless students are actually present and under the guidance and instruction of the instructional professional staff for the time required for a "minimum school day." Accordingly, that day shall not be counted as a day in session if that day does not qualify as a day of attendance for these calculations.

Enrolled Pupil

A pupil shall be considered enrolled after officially registering with the school or school district and taking part in the educational program (IAC 281--12.2).

Reports

It is a duty of the director of the department of education to prepare forms and procedures necessary to be used by district boards, school officials, principals, teachers, and other employees, and to insure uniformity, accuracy, and efficiency in keeping records in both pupil and cost accounting, the execution of contracts, and the submission of reports, and notify the district board or school authorities when a report has not been filed in the manner or on the dates prescribed by law or by rule that the school will not be accredited until the report has been properly filed (256.9(18)).

Each board shall require its administrative staff to establish and maintain a system of student records. This system shall include for each pupil a permanent office record and a cumulative record. Evidence of attendance is maintained as a part of the permanent office record (IAC 281--12.3(4)).

Daily Registers

Each teacher shall keep a daily register which shall correctly exhibit the name or number of the school, the district and county in which it is located, the day of the week, month, year, and the name, age, and attendance of each scholar, and the branches taught, and when scholars reside in different districts, separate registers shall be kept for each district, and a certified copy of the register shall, immediately at the close of the school, be filed by the teacher in the office of the secretary of the board (294.4).

The teacher shall file with the superintendent and the director of the department of education such reports and in such manner as may be required (294.5).

Note that all enrolled pupils taking part in the educational program of the district are counted for attendance purposes by that district whether or not they are residents of that district.

Certified Annual Report (CAR)

The school district shall file an annual report with the director of the department of education on forms prepared for that purpose (291.10).

Reports from Accredited Nonpublic Schools

Within ten days from receipt of notice from the secretary of the school corporation within which an accredited nonpublic school is conducted, the principal of the accredited nonpublic school shall, once during each school year, and at any time when requested in individual cases, furnish to such secretary of the public school district within which the accredited nonpublic school is located, a certificate and report in duplicate on forms provided by the public school district of the names and ages of each pupil of the accredited nonpublic school who is of compulsory attendance age and the grade level of each pupil during the preceding year and from the time of the last preceding report to the time at which a report is required. In addition, the report shall identify all students of compulsory attendance age who were truant as defined by law or school policy and the number of days of truancy for the period covered by the report, and children who dropped out, withdrew from enrollment, or transferred to another Iowa school and the date their attendance ceased at the accredited nonpublic school. The secretary shall retain one of the reports and file the other with the secretary of the AEA (299.3).

Between September 1 and October 1 of each year, the secretary of each public school district board shall secure from each accredited nonpublic school located within its boundaries information about enrolled students as required by Iowa Code section 299.3. Each accredited nonpublic school shall submit the required report in duplicate. The secretary of each public school board shall send one copy to the secretary of the board of the AEA within which the public school district is located (IAC 281--12.3(10)).

A child who has reached the age of six and is under sixteen years of age by September 15 is of compulsory attendance age. However, if a child enrolled in a school district or accredited nonpublic school reaches the age of sixteen on or after September 15, the child remains of compulsory age until the end of the regular school calendar (299.1A).

Reports as to Private Instruction

The parent, guardian, or legal custodian of a child who is of compulsory attendance age who places the child under competent private instruction under either section 299A.2 [competent private instruction by licensed practitioners] or 299A.3 [private instruction by nonlicensed person], not in an accredited school or home school assistance program operated by a public or accredited nonpublic school, shall furnish a report in duplicate on forms provided by the public school district, to the district by the earliest starting date specified in subsection 279.10(1). The secretary shall retain and file one copy and forward the other copy to the district's AEA. The report shall state the name and age of the child, the period of time during which the child has been or will be under competent private instruction for the year, an outline of the course of study, texts used, and the name and address of the instructor. The parent, guardian, or legal custodian of the child, who is placing the child under competent private instruction for the first time, shall also provide the district with evidence that the child has had the immunizations required under section 139.8. The term "outline of course of study" shall include subjects covered, lesson plans, and time spent on the areas of study (299.4).

All such certificates, reports, and proofs shall be filed and preserved in the office of the secretary of the school corporation as a part of the records of the office, and the secretary shall furnish certified copies thereof to any person requesting the same (299.7).